

**UNITED STATES DISTRICT COURT
DISTRICT OF RHODE ISLAND**

HENRY SALAZAR,

Plaintiff,

v.

C.A. No. 18-495

SELENE FINANCE, LP; U.S. BANK
NATIONAL ASSOCIATION AS LEGAL TITLE
TRUSTEE FOR BCAT 2016-18TT; and PEDRO
TAVERAS,

Defendants.

NOTICE OF REMOVAL

To: THE HONORABLE JUDGES OF THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

Pursuant to 28 U.S.C. §§ 1331, 1441, 1446, and DRI LR 81, Defendants, Selene Finance, L.P. (“Selene”) and U.S. Bank National Association as Legal Title Trustee for BCAT 2016-18TT (“U.S. Bank, as Trustee”) (collectively, “Defendants”), hereby file this Notice of Removal from the Providence County Superior Court to the United States District Court for the District of Rhode Island. As grounds for removal, Defendants state as follows:

1. On June 25, 2018, Plaintiff, Henry Salazar (“Plaintiff”), commenced this action with a Complaint filed in the Providence County Superior Court against Selene, U.S. Bank, as Trustee, and Defendant Pedro Taveras (“Mr. Taveras”).

2. Removal of this action to the United States District Court for the District of Rhode Island is permissible pursuant 28 U.S.C. §§ 1331 and 1441(a) because the Complaint claims violations of federal statutes and regulations, including, *inter alia*, the Truth in Lending Act, 15 U.S.C. §§ 1601 *et seq.*, the Real Estate Settlement Procedures Act of 1974, 12 U.S.C. §§

2601 *et seq.*, and the Dodd-Frank Wall Street Reform and Consumer Protection Act, Pub. L. 111-203, 124 Stat. 1376 (2010), as well as certain interpreting federal regulations, including Regulation X (12 C.F.R. § 1024.36) and Regulation Z (12 C.F.R. § 1026.41). This Court has supplemental jurisdiction over Plaintiff's state-law claims under 28 U.S.C. § 1367(a) because these claims are so related to the claims in the action within the Court's original jurisdiction that they form part of the same case or controversy. *See Godin v. Schencks*, 629 F.3d 79, 83 (1st. Cir. 2010).

3. Removal is timely under 28 U.S.C. § 1446(b), as fewer than thirty days have elapsed since Defendants were served with process. *See, e.g., Murphy Bros. v. Michetti Pipe Stringing, Inc.*, 526 U.S. 344, 350 (1999) (“[O]ne becomes a party officially, and is required to take action in that capacity, only upon service of a summons or other authority-asserting measure stating the time within which the party served must appear and defend.”); *see also Novak v. Bank of N.Y. Mellon Trust Co., NA.*, 783 F.3d 910, 911 (1st Cir. 2015) (“[W]e conclude that service is generally not a prerequisite for removal and that a defendant may remove a state-court action to federal court any time after the lawsuit is filed but before the statutorily-defined period for removal ends.”).

4. Both Selene and U.S. Bank, as Trustee request removal to this Court. *See Sansone v. Morton Mach. Works, Inc.*, 188 F. Supp. 2d 182, 184 (D.R.I. 2002) (“In a multi-defendant case, all defendants must ‘join’ in the removal petition.”). Defendants have engaged in a good-faith effort to contact Mr. Taveras regarding this removal, however, Plaintiff has yet to file any return of service and no counsel has yet to appear in this matter on his behalf.

5. Pursuant to 28 U.S.C. § 1446(a), copies of all process, pleadings, and orders served on Defendants are attached hereto as **Exhibit A**.

6. Defendants will provide written notice of the filing of this Notice of Removal as required by 28 U.S.C. § 1446(d), including filing a certified copy of this Notice of Removal with the clerk of the Providence County Superior Court.

7. Defendants reserve the right to amend or supplement this Notice of Removal, and reserve all rights and defenses, including those available under Fed. R. Civ. P. 12.

WHEREFORE, Defendants, Selene Finance, L.P. and U.S. Bank National Association as Legal Title Trustee for BCAT 2016-18TT, hereby remove this action from the Providence County Superior Court to the United States District Court for the District of Rhode Island.

Respectfully submitted,

SELENE FINANCE, LP; and U.S. BANK
NATIONAL ASSOCIATION AS LEGAL
TITLE TRUSTEE FOR BCAT 2016-18TT,

By Their Attorneys,

/s/ Ethan Z. Tieger

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Dated: September 6, 2018

CERTIFICATE OF SERVICE

I, Ethan Z. Tieger, hereby certify that the documents filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as nonregistered participants on September 6, 2018.

/s/ Ethan Z. Tieger

Ethan Z. Tieger